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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/768,131      | 01/23/2001  | Yong Cheol Park      | 2080-3-01           | 3339             |

35884 7590 06/08/2006

LEE, HONG, DEGERMAN, KANG & SCHMADEKA  
801 S. FIGUEROA STREET  
12TH FLOOR  
LOS ANGELES, CA 90017

EXAMINER

ORTIZ CRIADO, JORGE L

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2627

DATE MAILED: 06/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|   |                                   |                                  |  |
|---|-----------------------------------|----------------------------------|--|
| <b>Advisory Action</b><br><b>Before the Filing of an Appeal Brief</b> | Application No.<br>09/768,131     | Applicant(s)<br>PARK, YONG CHEOL |  |
|   | Examiner<br>Jorge L. Ortiz-Criado | Art Unit<br>2627                 |  |

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 18 May 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-9 and 11-16.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

  
**ANDREA WELLINGTON**  
**SUPERVISORY PATENT EXAMINER**

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments filed 05/18/2006 have been fully considered but they are not persuasive.

Applicant argues that Takahashi does not disclose that the recording capacity is adjusted.

The examiner respectfully disagrees and cannot concur with the Applicant because Takahashi clearly discloses adjusting the "recording capacity" of the recording medium by ADDING/ /EXPANDING/CREATING spare areas see the col. 13, line 19 to col. 14, line 2), where Takahashi discloses excluding a portion from the recording capacity and specifically from the USER AREA (see col. 14, lines 11-22), the recording capacity of the information recording medium is adjusted since areas from the recording capacity of user area are utilized for ADDING/ /EXPANDING/CREATING spare areas. As for purpose of explanation and as for example provided to the Applicant, as shown in Fig. 11 models 1-3, when a spare area is (n) the user area is 4.7GB, but when there is existence of more "adding/expanding" of spare areas as in Fig. 11 model 4, the USER AREA is reduced to 4.56GB, hence the recording capacity of the user area is reduced. Therefore, Takahashi discloses adjusting the recording capacity as claimed.

Furthermore, Takahashi discloses adjusting the "recording capacity" of the recording medium ADDING/ /EXPANDING/CREATING spare areas based on the number of un-slipped PDL entries. Takahashi discloses that when confirmed that an error has occurred in the slipping replacement process, which an error is due to insufficient spare areas, that means when there is insufficient spare area the slipping replacement that requires slip the defective areas to spare areas, cannot be performed, hence the defective areas are not able to be slipped. And when slipping replacement error occurs, Takahashi adjust the recording capacity of the recording medium, as outlined above, by ADDING/ /EXPANDING/CREATING spare areas based on the error caused in the slipping replacement. By this recording capacity adjustment of Takahashi the slipping replacement of the un-slipped PDL entries can be performed after such adjustment of the recording capacity and the capacity of the information recording medium can be fully and effectively utilized.

Applicant is reminded that the claims were given their broadest reasonable interpretation in light of the supporting disclosure and although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.